



512 Rec'd PCT/PTO 07 JUN 1999

IN THE UNITED STATES PATENT OFFICE

PATENT

Serial No.: 09/254,078

Filed: March 1, 1999

For: METHOD AND DEVICE FOR  
CARRYING OUT OPTICAL PICK UP

Inventor: Rudger Rubbert

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Post Office as first class mail postage prepaid in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on

June 4, 1999

John F. McNulty, Reg. No. 23,028

Dated: June 4, 1999

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COVER LETTER WITH CERTIFICATE OF MAILING

JUL 19 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECHNOLOGY CENTER 3700

**RECEIVED**

Dear Sir:

JUN 28 1999

Enclosed and attached hereto are the following documents:

TECHNOLOGY CENTER 3700

1. Copy of the Notice to file Missing Parts of Application dated ;
2. Copy of executed Declaration and Power of Attorney and transmittal documents forwarded to Patent Office on April 30, 1999;
3. Copy of check in the amount of \$130.00 and return postcard forwarded to the Patent Office on April 30, 1999;
4. Postcard to be date-stamped & returned to Paul & Paul.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES ASSOCIATED WITH THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO PAUL & PAUL DEPOSIT ACCOUNT NO. 16-0750, ORDER NO. 2337

Respectfully submitted,

John F. McNulty

Reg. No. 23,028

Paul & Paul

2900 Two Thousand Market St.

Philadelphia, PA 19103

(215) 568-4900

Adjustment date: 06/10/1999 PVOLPE  
05/06/1999 SSALEEKU 00000012 09254078  
01 FC:105 -130.00 OP

06/10/1999 PVOLPE 00000037 09254078  
01 FC:154 130.00 OP

**PATENT**

**IN THE UNITED STATES PATENT OFFICE**

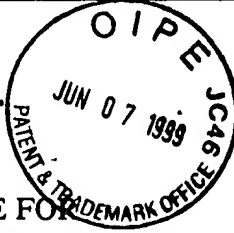
Serial No.: 09/254,078

Filed: March 1, 1999

For: METHOD AND DEVICE FOR  
CARRYING OUT OPTICAL PICK UP

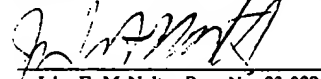
Inventor: Rudger Rubbert

Atty Doc. No.: 59-99



**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Post Office as first class mail postage prepaid in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on April 30, 1999.

  
John F. McNulty, Reg. No. 23,028  
Dated: April 30, 1999

**RESPONSE**

Assistant Commissioner  
for Patents  
**Box Missing Part**  
Washington, D.C. 20231

**RECEIVED**

JUL 19 1999

TECHNOLOGY CENTER 3700

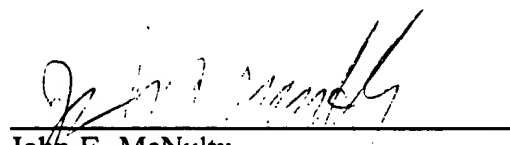
Sir:

Enclosed and attached hereto are the following documents for filing in the above-identified patent application:

1. Executed Declaration and Power of Attorney;
2. Check in the amount of \$130.00 in payment of surcharge;
3. Postcard to be date-stamped & returned to Paul & Paul.

No additional fee is believed to be required. In the event that an additional fee is required with respect to this communication, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Paul & Paul Deposit Account No. 16-0750. This response is submitted in duplicate. Order No. 2241

Respectfully submitted,

  
John F. McNulty  
Reg. No. 23,028  
Paul & Paul  
2900 Two Thousand Market Street  
Philadelphia, PA 19103  
(215) 568-4900



RECEIVED

JUL 19 1999

TECHNOLOGY CENTER 3700

<b>PAUL AND PAUL</b> 01/68 2000 MARKET ST., STE. 2900 PHILADELPHIA, PA 19103-3282		18187
PAY TO THE ORDER OF	<i>Commissioner of Patents</i> <b>PAUL &amp; PAUL</b> <b>130 DOLS 00 CTS</b>	DATE <u>4-30-99</u> 3-50/310
		\$ 130.00
		DOLLARS
FOR <u>59-99</u>	<b>FIRST UNION</b> First Union National Bank Philadelphia, Pennsylvania R/T 031000503	<i>Paul &amp; Paul</i>
⑈018187⑈ ⑆031000503⑆ 2100014021083⑈		

In re the Application of

**Rudger RUBbert**

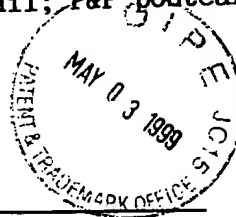
Serial No. **09/254,078**

Filed: **March 1, 1999**

For: **METHOD & DEVICE  
FOR CARRYING OUT  
OPTICAL PICK UP**

The following paper has been received: *Samtg*

Executed Dec. POA; ck \$130.00  
late surcharge; cov. ltr. w/cert.  
mail; P&P postcard.



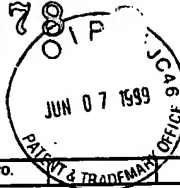
59-99 / JFMcn/eo / 4/30/99 / Order No. **2240**

Patent and Trademark Office is respectfully requested to place its

STAMP on this POSTAL CARD and place it in the outgoing mail.

Respectfully,  
**John F. McNulty**

09/254078



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT  
Washington, D.C. 20231

SECRETING

JMCW

U.S. APPLICATION NO.

09/254,078

FIRST NAMED APPLICANT

RUBBERT

ATTY. DOCKET NO.

R 59-99

INTERNATIONAL APPLICATION NO.

PCT/DE97/01796

I.A. FILING DATE

PRIORITY DATE

08/19/97

09/02/96

DATE MAILED:

05/19/99

FILE No. 59-99

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☒ a non-English language.  
☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 01 MAR 1999 and \_\_\_\_\_

☒ Information Disclosure Statement(s) filed 01 MAR 1999 and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☒ PCT/DO/EO/917

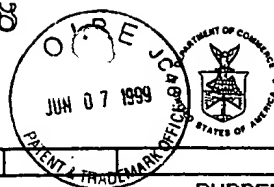
☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) \_\_\_\_\_

09/254078



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/254,078	RUBBERT	R 59-99
INTERNATIONAL APPLICATION NO.		
PCT/DE97/01796		
I.A. FILING DATE	PRIORITY DATE	
08/19/97	09/02/96	
05/19/99		

DATE MAILED:

JOHN F MCNULTY  
PAUL & PAUL  
2900 TWO THOUSAND MARKET STREET  
PHILADELPHIA PA 19103

5611

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.


A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

  
Telephone: (703) 305-3686